

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

HAKIM I. KAMAU,

Plaintiff,

v.

RON NEAL, et al.,

Defendants.

CAUSE NO.: 3:18-CV-074-JD-MGG

OPINION AND ORDER

Hakim I. Kamau, a prisoner without a lawyer, filed a complaint alleging he is being illegally held as a prisoner at the Indiana State Prison without a valid court document signed by a judge. A filing by an unrepresented party “is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). Nevertheless, pursuant to 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

Kamau asks the court to order the defendants to prove they have the legal authority to hold him at the Indiana State Prison or order them to release him. However, this is a civil rights lawsuit and habeas corpus is the exclusive remedy for a state prisoner seeking to challenge the fact or duration of his custody. *See Preiser v. Rodriguez*, 411 U.S. 475, 488 (1973). Thus, to obtain the relief he seeks, he must get a

habeas corpus form – AO-241 (Rev. 1/15)(Conviction, INND Rev. 8/16) – from the prison library and file a habeas corpus case. This case cannot be converted into a habeas corpus case. *See Copus v. Edgerton*, 96 F.3d 1038 (7th Cir. 1996).

For these reasons, this case is DISMISSED pursuant to 28 U.S.C. § 1915A because it does not state a claim for which relief may be granted.

SO ORDERED on February 1, 2018.

/s/ JON E. DEGUILIO  
JUDGE  
UNITED STATES DISTRICT COURT